

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JEFFREY HIGGINS, On Behalf of His Infant Daughter and of the Class Similarly Situated And ANDROMIDA A. McCALL, On Behalf Of Her Infant Daughter and of the Class Behalf Similarly Situated, *Plaintiffs* § § § § § § Civil Action No. 5:10-cv-00990
v.
TEXAS DEPARTMENT OF STATE HEALTH SERVICES and DAVID L. LAKEY, M.D., in His Official Capacity as Commissioner of the Texas Department of State Health Services and in His Individual Capacity, *Defendants* § § § § § §

DEFENDANTS' MOTION TO DISMISS EXHIBITS

- Exhibit 1 Settlement documents from *Andrea Beleno et al. v. Tex. Dept't of State Health Services, et al.*, Civil Action No. SA09CA0188, United States District Court for the Western District of Texas, San Antonio Division
- 1-A Settlement Agreement and Release
1-B Affidavit of Adolfo Valadez (4/13/2010)
1-C Letter to Jim Harrington (1-13-2010)
- Exhibit 2 Affidavit of David L. Lakey, M.D.
2-A DSHS organizational charts (3)
- Exhibit 3 Affidavit of Susan M. Tanksley, Ph.D.
- Exhibit 4 Affidavit of Susan M. Tanksley, Ph.D.
- Exhibit 5 Affidavit of Louis N. Finelli, D.O.

Exhibit 6 Excerpts from DSHS website

- 6.1 (<http://www.dshs.state.tx.us/lab/nbsBloodspots.shtm>)
Laboratory Services Section Use and Storage of Dried Blood Spots after
Newborn Screening (link to disclosure/destruction forms)
(last visited 2-18-2011) FN6
- 6.2 Use and Storage of Newborn Screening Blood Spot Cards (instructions to providers)
(<http://www.dshs.state.tx.us/lab/NBSdestructionDirective.pdf>)
(last visited 2-18-2011) FN7
- 6.3 <http://www.dshs.state.tx.us/lab/nbsBloodspotsHC.shtm>
(Requirements for Health Care Providers) (last visited 2-18-2011) FN8
- 6.4 <http://www.dshs.state.tx.us/lab/nbsDBSdir2010forms.pdf>
(Healthcare Provider Instructions) (last visited 2-18-2011) FN8
- 6.5 <http://www.dshs.state.tx.us/lab/nbsBloodSpotDataPolicy.pdf>
(Management of Newborn Screening Specimens and Data)
(last visited 2-18-2011) FN10
- 6.6 <http://www.dshs.state.tx.us/lab/nbsBloodspotsUse.shtm>
(List of categories of quality assurance and quality control uses)
(last visited 2-18-2011) FN12
- 6.7 <http://www.dshs.state.tx.us/irb/IrbPolicy.shtm>
(Institutional Review Board, Policy Number PA-4002, effective
September 1, 2004, updated May 24, 2009)(last visited 2-18-2011)FN26
- 6.8 <http://www.dshs.state.tx.us/irb/Default.shtm>
(DSHS IRB home page explaining IRB 1 and IRB2)
(last visited 2-18-2011)FN26
- 6.9 <http://www.dshs.state.tx.us/irb/Rights.shtm>
(Rights of Human Subject Participating in Research)
(last visited 2-18-2011) FN27
- 6.10 <http://www.dshs.state.tx.us/irb/applirb.shtm>
(Policy regarding research proposals) (last visited 2-18-11) FN 28
- 6.11 <http://www.dshs.state.tx.us/irb/ProtChlst.doc>
(DSHS Institutional Review Board #1 Protocol Checklist)
(last visited 2-18-2011) FN28